

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

OKANO et al.

Serial No. 10/591,612

Filed: September 5, 2006

For: METHOD OF CONSTRUCTING ANIMAL HAVING CANCER CELLS TRANSPLANTED THEREINTO

Attention: Application Branch

Atty. Dkt. GRT/159-102

Date: July 16, 2007

IAP6 Rec'd PCT/PTO 16 JUL 2007

Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

The attached completes filing of the above-identified patent application:

- ☒ Signed Rule 63 Declaration alone, ☐ Copy of Declaration from prior application alone, OR
- ☐ Signed Declaration plus attached copy of originally filed specification/drawings.
- ☒ **NOTIFICATION OF MISSING REQUIREMENTS OF APPLICATION FILING DATE GRANTED** form.
- ☐ Record the attached assignment to _____ and return to the undersigned.
- ☒ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

Application Number

JP 2004-106999

PCT/JP2005/003795

Country

Japan

Day/Month/Year Filed

04 March 2004

04 March 2005

respectively.

- ☐ Certified copy(ies) of foreign application(s) is/are attached.
- ☒ Certified copy(ies) filed in prior application no. JP 106999/2004, filed March 4, 2004.
- ☒ Applicant claims "small entity" status. ☐ "Small entity" statement attached.
- ☒ Please enter the attached preliminary amendment prior to calculation of filing fee.
- ☒ Also attached: ☐ **Information Disclosure Statement**; ☒ **Other: VERIFIED ENGLISH TRANSLATION; AND TRANSMITTAL COVERSHEET**

Fees due are calculated below:

Basic filing fee	\$300.00 (1011)/\$150.00 (2011)	\$
Search Fee	\$500.00 (1111)/\$250.00 (2111)	\$
Examination Fee	\$200.00 (1311)/\$100.00 (2311)	\$
Application Size Fee for each add'l 50 sheets that exceeds 100 sheets)		
Total pages: 22-100 = 0.00	0	\$0.00(1081)/ \$0.00 (2081) \$
Total effective claims 20 - 20 (at least 20) = 0	x \$50.00 = \$0.00 (1202)/\$0.00 (2202)	\$
Independent claims 1 - 3 (at least 3) = 0	x \$200.00 = \$0.00 (1201)/\$0.00 (2201)	\$

If any proper multiple dependent claims now added for first time (ignore improper), add

\$360.00 (1203)/\$180.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)

Two Month Extensions \$450.00 (1252)/\$225.00 (2252)

Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)

Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)

Five Month Extensions \$2160.00 (1255)/\$1080.00 (2255) \$

Surcharge if Declaration or filing fee first now submitted (paid) \$130.00 (1051)/\$65.00 (2051) \$English translation of specification and claims (fee paid September 5, 2006) \$130.00 (1053) \$ 0.00

Assignment Recording Fee \$40.00 (8021) \$

TOTAL FEE DUE \$ 0.00☐ **CREDIT CARD PAYMENT FORM ATTACHED.**

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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Arlington, Virginia 22203-1808

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GRT:ap

NIXON & VANDERHYE P.C.

By Atty: Gary R. Tanigawa, Reg. No. 43,180

Signature: 



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

OKANO et al.

Appln. No. 10/591,612

Filed: September 5, 2006

FOR: METHOD OF CONSTRUCTING ANIMAL HAVING CANCER CELLS
TRANSPLANTED THEREINTO

Confirmation No. 3397

Atty. Ref.: 159-102

T.C. / Art Unit: 3683

Examiner: Not Known

* * *
**RESPONSE TO NOTIFICATION OF MISSING
REQUIREMENTS UNDER 35 U.S.C. § 371**

July 16, 2007

Mail Stop Missing Parts

Hon. Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:


In response to the Notification of Missing Requirements mailed May 16, 2007 (copy attached), Applicants submit an executed inventors' Declaration in compliance with 35 U.S.C. 371. An English translation of the subject application is also attached herewith. The processing fee of \$130 for providing the translation later than 30 months was already paid (see Transmittal coversheet filed September 5, 2006).

Applicants earnestly solicit issuance of the Official filing receipt and an early examination on the merits. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Gary R. Tanigawa
Reg. No. 43,180

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/591,612	Okano	159-102 <i>GRT</i>

INTERNATIONAL APPLICATION NO.

PCT/JP05/03795

I.A. FILING DATE	PRIORITY DATE
03/04/2005	03/04/2004

23117

NIXON & VANDERHYE, PC
 901 NORTH GLEBE ROAD, 11TH FLOOR
 ARLINGTON, VA 22203

CONFIRMATION NO. 3397

371 FORMALITIES LETTER



OC000000023899084

Date Mailed: 05/16/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/05/2006
- Copy of the International Search Report filed on 09/05/2006
- Preliminary Amendments filed on 09/05/2006
- Information Disclosure Statements filed on 09/05/2006
- Request for Immediate Examination filed on 09/05/2006
- U.S. Basic National Fees filed on 09/05/2006
- Priority Documents filed on 09/05/2006

DOCKETED

CLT/MATTER # 159-102
 MAIL DATE 5/16/07
 DUE DATE July 16, 2007
 FINAL DEADLINE Dec. 16, 2007
 DOCKETED BY [Signature]

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 for English translation surcharge required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/591,612	PCT/JP05/03795	159-102

FORM PTO-1390 MODIFIED	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 159-102
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) unknown
INTERNATIONAL APPLICATION NO. PCT/JP2005/003795	INTERNATIONAL FILING DATE 4 March 2005	PRIORITY DATE CLAIMED 4 March 2004

TITLE OF INVENTION

METHOD OF CONSTRUCTING ANIMAL HAVING CANCER CELLS TRANSPLANTED THEREINTO

APPLICANT(S) FOR DO/EO/US

OKANO et al.

COPY

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The U.S. has been elected (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto (12 pages specification, claims & abstract (14 claims) in the Japanese language, 2 sheets drawings).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(3))
 - a. ☐ is attached hereto (pages specification, claims & abstract (claims), sheets drawings, page Certificate of Translation).
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.
 - a. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
 - b. ☐ Declaration was submitted to the International Bureau during International Phase (see copies of Declaration (page Form PCT/RO/101 and Form PCT/IB/371 and first page of printed publication acknowledging receipt thereof attached).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
Items 11 To 20 below concern document(s) or information included:
 11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
 12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
 13.
 - a. ☒ A FIRST preliminary amendment.
 - b. ☐ A SECOND or SUBSEQUENT preliminary amendment.
 14. ☐ An Application Data Sheet under 37 C.F.R. § 1.76.
 15. ☐ A substitute specification.
 16. ☐ A change of power of attorney and/or address letter.
 17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
 18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
 19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
 20. ☒ Other items or information. Form PCT/IB/306, Form PCT/IB/308, Form PTO/SB/08a listing references cited in the attached International Search Report

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
unknown		PCT/JP2005/003795		159-102	
<input checked="" type="checkbox"/> The following fees are submitted:					
BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):					
1. <input checked="" type="checkbox"/> Basic national fee				\$300.00 (1631)/\$150.00 (2631)	\$ 300.00
22. <input checked="" type="checkbox"/> Examination Fee				\$0 (1643/2643)	
				\$200.00 (1633)/\$100.00 (2633)	\$ 200.00
23. <input checked="" type="checkbox"/> Search Fee				\$0 (1640/2640)	
				\$100 (1641)/\$50 (2641)	
				\$400 (1642)/\$200 (2642)	
				\$500.00 (1632)/\$250.00 (2632)	\$ 400.00
TOTAL OF ABOVE CALCULATIONS					\$ 900.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE	
14	-100	0	/50 = 0.00	\$250.00 (1681)	\$
				\$125.00 (2681)	
Surcharge of \$130.00 (1617)/\$65.00 (2617) for furnishing the oath or declaration later than <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e).					
				\$	130.00
CLAIMS		NUMBER FILED	# EXTRA	RATE	
Total Claims	14	minus 20 =	0 X	\$50.00 (1615)/	\$25.00 (2615)
Independent Claims	1	minus 3 =	0 X	\$200.00 (1614)	\$100.00 (2614)
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)				\$360.00 (1616)/\$180.00 (2616)	\$ 0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s): One Month Extension \$120.00 (1251)/\$60.00 (2251); Two Month Extensions \$450.00 (1252)/\$225.00 (2252); Three Month Extensions \$1020.00 (1253)/\$510.00 (2253); Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)					
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.					
Processing fee of \$130.00 (1618), for furnishing the English Translation later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f).					
				+	130.00
TOTAL NATIONAL FEE =				\$	1160.00
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 (8021) per property					
				+	\$ 0.00
Fee for Petition to Revive Unintentionally Abandoned Application; \$1500.00 (1453) / \$750.00 (2453)					
				\$	0.00
TOTAL FEES ENCLOSED =				\$	1160.00
				Amount to be refunded:	\$
U.S. Application No. unknown; Atty Docket No. 159-102				Amount to be Charged:	\$
a. <input type="checkbox"/> A check in the amount of \$1160.00 to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. 14-1140 in the amount of \$_____ to cover the above fees. A duplicate copy of this form is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A duplicate copy of this form is enclosed.					
d. <input checked="" type="checkbox"/> CREDIT CARD PAYMENT FORM ATTACHED.					
e. <input checked="" type="checkbox"/> The entire content of International Application No. PCT/JP2005/003795 and any U.S. and foreign application(s) corresponding thereto, and JP 2004-106999, referred to in this application is/are hereby incorporated by reference in this application.					
NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b) must be filed and granted to restore the application to pending status.					
CORRESPONDENCE ADDRESS					
Direct all correspondence to:					
<input checked="" type="checkbox"/> Customer Number: 23117					
Type Customer Number here					
Telephone: (703) 816-4000					
RC:alb					
for <u>Arthur R. Crawford</u>					
NAME					
25,327					
REGISTRATION NUMBER					
September 5, 2006					
Date					